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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,125	09/21/2000	Rob Tribble	NETS0044	1382
22862	7590	08/27/2004	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			FRENEL, VANEL	
		ART UNIT	PAPER NUMBER	
		3626		

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	09/668,125	Applicant(s)	TRIBBLE, ROB
Examiner	Vanel Frenel	Art Unit	
		3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 7/7/04.  
2a) This action is FINAL. 2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-4, 6-11, 13-18, 20 and 21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-4, 6-11, 13-18, 20 and 21 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## DETAILED ACTION

### Notice to Applicant

1. This communication is in response to the Amendment filed 2/10/04. Claims 1-4, 6-11, 13-18 and 20-21 are pending.

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-11, 13-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chisholm (5,400,248) in view of Marsh et al (4,210,962).

(A) As per claim 1, Chisholm discloses the steps of:

providing a rule engine (See Chisholm, Col.5, lines 17-34 The Examiner interprets Chisholm's voter administrator program to be a form of "rules engine");  
wherein said rule engine evaluates said business objects (Col.5, lines 23-34 The Examiner interprets "votes" as "business objects");

providing administration means for allowing a user to maintain preferences for a specific instance of a business objective (Col.5, lines 12-34);

wherein said rule engine uses business rules to evaluate a relationship between said business objects (Col.5, lines 55-68 The Examiner understands conditional votes are votes having a relationship to other votes); and

wherein each business object is a voter that provides votes that are evaluated by said business rules (Col.5, lines 12-34);

providing rule resolution strategy means for resolving conflicts between specific preferences of voters and determining a correct solution set (Col.5, lines 55-65; Col.8, lines 10-44);

wherein a sequence of voters and an order of the votes included for each voter determines values in said solution set (Col.9, lines 35-50; Col.10, lines 55-68 to Col.11, line 3) .

Chisholm does not explicitly disclose a process for evaluating business objects with no prior association and creating dynamic solution sets based on said evaluation in a computer environment, as recited in the preamble of claim 1.

However, this feature is known in the art, as evidenced by Marsh. In particular, Marsh suggests a process for evaluating business objects with no prior association and creating dynamic solution sets based on said evaluation in a computer environment (See Marsh, Col.3, lines 8-11; Col.4, lines 22-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Marsh within the system of Chisholm with the motivation of solving dynamic programs in a minimum of time and without the necessity of complex interprocessor communication (See Marsh Col.2, lines 21-25).

(B) As per claim 2, Marsh discloses the process further comprising the steps of: providing domain tables (Col.4, lines 28-55); wherein said tables are used to define the overall set of possible values for a given attribute of a business object (Col.5, lines 66 to Col.6, line 31 and Figs 1a-1c); and wherein said tables are static, configured, or dynamic in nature (Col.4, lines 22-28; Col.5, lines 66 to Col.6, line 31 and Figs 1a-1c).

(C) As per claim 3, Chisholm discloses the process wherein said business rules are configurable, generalized statements of how common processing methods are applied to a specific intersection of data (Col.10, lines 4-30); and wherein said business rules determine privileges, application of business processes, business relationships, choices, and default values (Col.12, lines 1-45).

(D) As per claim 4, Chisholm discloses the process further comprising the step of: providing rule administration means for allowing a user to define business rule attributes (Col.16, lines 61-68 to Col.17, line 7).

(E) As per claim 6, Chisholm discloses the process wherein said rule engine returns one solution set for the set of business objects (voters) being referenced (Col.8, lines 30-68).

(F) As per claim 7, Chisholm discloses the process wherein said business rules are cached (Col.5, lines 10-47).

(G) Apparatus Claims 8-14 differ from method claims 1-7 by reciting an apparatus for performing the underlying process steps of method claims 1-7. Since Chisholm clearly discloses the underlying process steps recited in claims 1-7, it is readily apparent that Chisholm discloses the necessary apparatus for performing those steps. Note, for example, the recitation in Chisholm with regard to a programming interface and a network (Chisholm, Col.4, line 65 to Col.5, line 10).

The remainder of claims 8-14 repeat the same limitations addressed above in the rejections of claims 1-7, and are therefore rejected for the same reasons given for claims 1-7.

(H) Claims 15-21 differ from claims 1-7 by reciting a "program storage medium readable, tangibly embodying a program of instructions". As per this limitation, Note, for example, the recitation in Chisholm with regard to a programming interface and a network (Chisholm, Col.4, line 65 to Col.5, line 10).

The remainder of claims 15-21 repeat the same limitations addressed above in the rejections of claims 1-7, and are therefore rejected for the same reasons given for claims 1-7.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-4, 6-11, 13-18 and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with regard to the teachings of Fisk and Chacker are moot, as these references are not applied against the pending claims. Rather, it is the collective teachings of Chisholm and White that obviate the presently pending claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches electronic trusted party (5,117,358).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F  
V.F

August 20, 2004

  
JOSEPH THOMAS  
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